

BEFORE THE FEDERAL ELECTION COMMISSION

SECRET

In the Matter of  
Highmark, Inc.  
George Grode  
Bruce Hironimus  
David O'Brien

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**SENSITIVE**

GENERAL COUNSEL'S REPORT #2

**I. ACTIONS RECOMMENDED**

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4. Take no further action and close the file regarding David O'Brien;
- 5.
6. Approve the appropriate letters.

**II. BACKGROUND**

This matter originated with a submission filed by Highmark, Inc. ("Highmark"), an insurance company based in Pittsburgh, Pennsylvania, regarding its use of corporate funds during 1999-2003 to defray \$52,303.59 in costs of fundraising events for Senator Rick Santorum's authorized committees and his leadership PAC. The information provided, including extensive documentation, indicated that this activity primarily involved one Highmark officer, Bruce Hironimus, former Vice President for Government Affairs. Mr. Hironimus used expense reports and check requests to authorize the use of corporate funds to pay the costs of the fundraising events. Some of these payments were approved by Mr. Hironimus' supervisors, Executive Vice

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1 Presidents George Grode and David O'Brien. On this basis, the Commission found reason to  
2 believe that Highmark violated 2 U.S.C. §§ 441b(a) and 441c(a)(1) and that George Grode,  
3 Bruce Hironimus and David O'Brien each violated 2 U.S.C. § 441b(a).<sup>1</sup>

4 **III. RESULTS OF INVESTIGATION**

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1 Beyond this additional activity, we did not discover further significant evidence of collecting and  
2 forwarding of contributions.

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**IV. PROPOSED ACTION**

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**B. David O'Brien**

This Office told the Commission in the First GCR that in light of David O'Brien's involvement in an apparently small amount of activity, the approval of a \$370.41 corporate contribution,<sup>5</sup> this Office may recommend that the Commission take no further action regarding Mr. O'Brien after the proposed limited investigation in this matter. Neither the documents

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<sup>5</sup> By contrast, the information indicates that George Grode approved Bruce Hironimus' expense reports including \$16,665.25 in corporate contributions.

1 provided nor the interviews of Bruce Hironimus and Megan Martin turned up any information  
2 indicating a more substantial role in the activity. Therefore, this Office recommends that based  
3 on the *de minimus* amount the Commission exercise its prosecutorial discretion and take no  
4 further action and close the file regarding David O'Brien.

5 **V. RECOMMENDATIONS**

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15 4. Take no further action and close the file regarding David O'Brien.

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17 5.

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19 6. Approve the appropriate letters.

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22 Lawrence H. Norton  
23 General Counsel

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25  
26 Date: 7/13/05

27 BY: Rhonda J. Vosdingh  
28 Rhonda J. Vosdingh  
29 Associate General Counsel  
30 for Enforcement

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32 Cynthia E. Tompkins  
33 Cynthia E. Tompkins  
34 Assistant General Counsel  
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